

AMENDED IN SENATE MARCH 7, 2006

AMENDED IN ASSEMBLY APRIL 26, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member McCarthy

February 22, 2005

An act to amend Section 38 of the Insurance Code, relating to ~~notice~~ relating to election expenses, making an appropriation therefor, and in augmentation of Item 0890-001-0001 of Section 2.00 of the Budget Act of 2005, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, McCarthy. ~~Insurance: notice.~~ *Special statewide election expenses.*

The Budget Act of 2005 appropriated specified amounts from the General Fund for support of the Secretary of State, including election-related costs.

This bill would appropriate \$9,071,000 for expenditure in the 2005–06 fiscal year in augmentation of these Budget Act appropriations for the purpose of covering expenses incurred by the Secretary of State's office related to the special statewide election held November 8, 2005.

This bill would also appropriate \$27,810,094 from the General Fund to the State Controller to reimburse counties for the state's share of special election costs.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides that, unless expressly otherwise provided, any notice required to be given to any person by any of specified provisions of law may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his or her residence or principal place of business in this state. Existing law provides that the affidavit of the person who mails the notice, stating the facts of the mailing, is prima facie evidence that the notice was mailed.~~

~~This bill would specify various other means of demonstrating that notice was mailed, including by adhering to any generally accepted business practice stating the facts of the mailing.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The sum of nine million seventy-one thousand*
 2 *dollars (\$9,071,000) is hereby appropriated for expenditure in*
 3 *the 2005–06 fiscal year in augmentation of Item 0890-001-0001*
 4 *of Section 2.00 of the Budget Act of 2005 (Chapter 38 of the*
 5 *Statutes of 2005) for the purpose of covering expenses incurred*
 6 *by the Secretary of State’s office related to the special statewide*
 7 *election held November 8, 2005. The amount appropriated is*
 8 *scheduled with Item 0890-001-0001 of the Budget Act of 2005 as*
 9 *follows:*

10 *(a) Personal services, seventy-five thousand dollars (\$75,000).*
 11 *(b) Operating expenses and equipment, three hundred*
 12 *eighty-four thousand dollars (\$384,000).*
 13 *(c) Special items of expense, eight million six hundred fourteen*
 14 *thousand dollars (\$8,614,000).*

15 *SEC. 2. The sum of twenty-seven million eight hundred ten*
 16 *thousand ninety-four dollars (\$27,810,094) is hereby*
 17 *appropriated from the General Fund to the State Controller to*
 18 *reimburse counties for the state’s share of special election costs,*
 19 *according to the following schedule:*

20
 21 *(1) Alameda County 1,232,063*
 22 *(2) Alpine County 1,418*
 23 *(3) Amador County 35,830*
 24 *(4) Butte County 200,394*
 25 *(5) Calaveras County 46,634*

1	(6) Colusa County	13,942
2	(7) Contra Costa County	862,148
3	(8) Del Norte County	22,405
4	(9) El Dorado County	183,808
5	(10) Fresno County	564,183
6	(11) Glenn County	20,636
7	(12) Humboldt County	143,084
8	(13) Imperial County	94,308
9	(14) Inyo County	18,578
10	(15) Kern County	518,711
11	(16) Kings County.....	85,022
12	(17) Lake County	58,287
13	(18) Lassen County	24,999
14	(19) Los Angeles County	6,725,052
15	(20) Madera County	85,853
16	(21) Marin County	256,151
17	(22) Mariposa County	19,933
18	(23) Mendocino County	85,460
19	(24) Merced County	159,425
20	(25) Modoc County	9,793
21	(26) Mono County	11,974
22	(27) Monterey County	277,753
23	(28) Napa County	118,816
24	(29) Nevada County	112,399
25	(30) Orange County	2,609,266
26	(31) Placer County	311,112
27	(32) Plumas County	24,491
28	(33) Riverside County	1,359,684
29	(34) Sacramento County	1,102,232
30	(35) San Benito County	43,631
31	(36) San Bernardino County	1,318,828
32	(37) San Diego County	2,421,148
33	(38) San Francisco County	748,193
34	(39) San Joaquin County	475,018
35	(40) San Luis Obispo County	271,017
36	(41) San Mateo County	615,136
37	(42) Santa Barbara County	324,725
38	(43) Santa Clara County	1,334,464
39	(44) Santa Cruz County	250,056
40	(45) Shasta County	159,777

1	(46) Sierra County	3,875
2	(47) Siskiyou County	45,567
3	(48) Solano County	294,978
4	(49) Sonoma County.....	421,796
5	(50) Stanislaus County	385,345
6	(51) Sutter County	74,179
7	(52) Tehama County	52,175
8	(53) Trinity County	13,206
9	(54) Tulare County	232,408
10	(55) Tuolumne County	57,603
11	(56) Ventura County	662,674
12	(57) Yolo County	159,297
13	(58) Yuba County	49,520

14
 15 *SEC. 3. This act is an urgency statute necessary for the*
 16 *immediate preservation of the public peace, health, or safety*
 17 *within the meaning of Article IV of the Constitution and shall go*
 18 *into immediate effect. The facts constituting the necessity are:*

19 *County budgets statewide contain funding authority to support*
 20 *one statewide election per fiscal year; however, there was a*
 21 *special statewide election held in November 2005, thus in order*
 22 *for counties to carry out the regularly scheduled statewide*
 23 *primary election in June 2006, an appropriation must be*
 24 *provided as soon as possible to cover the costs expended for the*
 25 *November 2005 special statewide election. It is therefore*
 26 *necessary that this act take effect immediately to reimburse*
 27 *counties and the Secretary of State for election expenses of the*
 28 *November 2005 election.*

29 **SECTION 1.** ~~Section 38 of the Insurance Code is amended to~~
 30 ~~read:~~

31 ~~38. Unless expressly otherwise provided, any notice required~~
 32 ~~to be given to any person by any provision of this code may be~~
 33 ~~given by mailing notice, postage prepaid, addressed to the person~~
 34 ~~to be notified, at his or her residence or principal place of~~
 35 ~~business in this state. A person may demonstrate compliance~~
 36 ~~with this section by means of an affidavit of the person who~~
 37 ~~mails the notice, a certificate of mailing issued by the United~~
 38 ~~States Postal Service, a mailing list routinely created by the~~
 39 ~~person showing the date on which the notice was mailed, or by~~

- 1 ~~adherence to any other generally accepted business practice~~
- 2 ~~stating the facts of the mailing.~~

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